

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JACKIE FISHER	§
Plaintiff,	§
	§
	§
vs.	§ CIVIL ACTION NO. 4:08-cv-01273
	§
UNIVERSITY OF TEXAS MEDICAL BRANCH and DAVID WATSON	§ Jury Demanded
	§
Defendants.	§

**PLAINTIFF'S FIRST AMENDED OBJECTIONS TO DEFENDANTS' EXHIBITS
AND FIRST AMENDED OPPOSED MOTION TO EXCLUDE**

No.	Def's' DESCRIPTION	PLAINTIFF's OBJECTIONS
D-2	E-mail from Terri Gibson	<p>.Incomplete: "RE: RE: RE:"</p> <p>.In fairness for admissibility, Plaintiff demands introduction of the complete E-mail string under FED. R. EVID., Rule 106 "Remainder of Related Writings or Recorded Statements"</p> <p>.Complete E-mail string not produced as required under Fed.R.Civ.P., Rule 26(a)(3)</p>
D-4	Watson Coaching Session UTMB 0224-225	.Hearsay under .FED. R. EVID., Rule 802
D-5	E-mail from Watson to Gotcher et al 4/28/06 UTMB 0226	<p>.Hearsay under .FED. R. EVID., Rule 802</p> <p>.Hearsay within Hearsay under .FED. R. EVID., Rule 805</p>

D-6	Watson Memo UTMB 0227-0233	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 .Authenticity under FED. R. EVID., Rule 901 *W/D by Defendants
D-7	Watson E-mail to Fisher 4/3/06 UTMB 0234-0235	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 *W/D by Defendants
D-10	E-mail String from Melton to Watson 4/7/06 UTMB 0250	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 *W/D by Defendants
D-13	Pipkin Memo 9/18/06 UTMB 0278-0279	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 .Authenticity under FED. R. EVID., Rule 901
D-14	Undated, Unsigned Memo UTMB 0281-0282	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 .Authenticity under FED. R. EVID., Rule 901
D-15	Undated unsigned memo UTMB 0283-0284	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 *W/D by Defendants
D-24		.Duplicate of Exhibit D-17 *W/D by Defendants

D-29	Watson Memo to Mysliurec 08-22-04 UTMB 402-402	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 .Authenticity under FED. R. EVID., Rule 901 .Relevance under FED. R. EVID., Rule 402 *W/D by Defendants
D-33	Undated Unsigned Document UTMB 0583-592	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 .Authenticity under FED. R. EVID., Rule 901 *W/D by Defendants
D-34	Undated Unsigned Document UTMB 0593-0601	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 .Authenticity under FED. R. EVID., Rule 901 *W/D by Defendants
D-35	Undated, Unsigned documents UTMB 0614-0617	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 .Authenticity under FED. R. EVID., Rule 901 *W/D by Defendants
D-37	Darby E-mail to Gotcher 01-27-06 UTMB 0674-0676	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805
D-39	E-mail Watson to Radar 01-12-06 UTMB 0688-0695	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805

D-40	Letter from Anderson 01-15-06 UTMB 0736-0737	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805
D-42	Dated Excel Sheet UTMB 854	.Authenticity under FED. R. EVID., Rule 901 .Impermissible Summary without supporting documentation produced as required under Fed. R.Civ. P Rule 26(a)(3)
D-43	Report of Melvin Williams without attachments 02-15-07 No Bates Stamp	.In fairness for admissibility, Plaintiff demands introduction of the complete Report including attachments under FED. R. EVID., Rule 106 “Remainder of Related Writings or Recorded Statements” .Complete Report and attachments not produced as required under Fed. R.Civ. P Rule 26(a)(3) .See P-44 *W/D by Defendants
D-44	Unsupported Excel Spread Sheet UTMB 1001	.Authenticity under FED. R. EVID., Rule 901 .Impermissible Summary without supporting documentation produced as required under Fed. R.Civ. P Rule 26(a)(3)
D-45	Unsupported Excel Spread Sheet UTMB 1002	.Authenticity under FED. R. EVID., Rule 901 .Impermissible Summary without supporting documentation produced as required under Fed. R.Civ. P Rule 26(a)(3)
D-54	EEOC Undocumented Interview notes	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805

D-57	Depo Exhibit	.Not deposition Exhibit as represented .Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 .Authenticity under FED. R. EVID., Rule 901
D-58	Darby E-mail	W/D by Defendants Duplicate w/ D-37
D-62	E-mail 3-25-06	W/D by Defendants Duplicate w/ D-18
D-64	E-mail 04-03-06	W/D by Defendants .Duplicate w/ D-7
D-67	UTMB Policy 06-09-09	. Relevance under FED. R. EVID., Rule 402 .Not of a relevant time period *W/D by Defendants
D-68	Excel Spread Sheet	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 .Authenticity under FED. R. EVID., Rule 901 .Impermissible Summary without supporting documentation produced as required under Fed. R.Civ. P Rule 26(a)(3) *W/D by Defendants
D-70	Excel Spread Sheet	.Hearsay under .FED. R. EVID., Rule 802 .Authenticity under FED. R. EVID., Rule 901 .Impermissible Summary without supporting documentation produced as required under Fed. R.Civ. P Rule 26(a)(3)

Respectfully submitted,

By: /s/ Jo Miller

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CERTIFICATE OF CONFERENCE

I certify that on February 26, 2010, I personally met with Darren Gibson Defendant's co-counsel, and he opposes these Objections and Motion to Strike Defendants' Exhibits.

/s/ Jo Miller
JO MILLER

NOTICE OF ELECTRONIC FILING

I, Jo Miller, do hereby certify that I have electronically submitted for filing, a true and correct copy of the above and foregoing document in accordance with the Electronic Case Files System of the Southern District of Texas, on this the 2nd day of March, 2010.

/s/ Jo Miller
JO MILLER

CERTIFICATE OF SERVICE

I hereby certify that, a true and correct copy of the foregoing was served electronically to Defendants' counsel of record as follows:

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/s/ Jo Miller

Jo Miller, Attorney for Jackie Fisher